

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIE MCKENZIE, III,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:20-cv-500-JTA
)	
ANDREW SAUL, COMMISSIONER)	
OF SOCIAL SECURITY,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Before the Court is an Unopposed Amended¹ Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to Defendant filed by the Commissioner of Social Security (“Commissioner”) on June 24, 2021. (Doc. No. 25.) In support of his motion, the Commissioner submits remand is appropriate for a re-evaluation of Plaintiff’s mental impairments under 20 C.F.R. § 404.15200, an evaluation of Plaintiff’s symptoms and residual functional capacity, any actions necessary to complete the administrative record, and the issuance of a new decision. (*Id.* at 1.)

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the

¹ The Commissioner’s first motion for remand did not indicate whether Plaintiff opposed his motion. (Doc. No. 22.) The court entered an order for Plaintiff to state his position on the Commissioner’s motion. (Doc. No. 23.) Plaintiff filed his Response to Unopposed Motion to Remand informing the court that he does not oppose remand in his case. (Doc. No. 24.) The Commissioner’s Amended Motion confirms that he has communicated with counsel for Plaintiff and that remand is unopposed. (Doc. No. 25 at 1, n.1.)

decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

Here, the Court finds remand necessary as the Commissioner concedes further evaluation of Plaintiff is needed to complete the administrative record and issue a new decision in his case. Moreover, Plaintiff does not oppose the motion. (*See* Doc. No. 24.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 11, 12.) Accordingly, it is hereby

ORDERED as follows:

1. The Commissioner’s motion (Doc. No. 25) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. The Commissioner’s Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant (Doc. No. 22) is DENIED AS MOOT.
4. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate final judgment will issue.

DONE this 25th day of June, 2021.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE